

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

RAMIRO NORIEGA,) CV F 05-0543 AWI WMW HC
Petitioner,) ORDER GRANTING
v.) PETITIONER THIRTY DAYS
U. S. BUREAU OF PRISONS,) TO SUBMIT A CERTIFIED
Respondent.) COPY OF HIS PRISON TRUST
) ACCOUNT OR PAY THE
) FILING FEE

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On August 4, 2005, the Magistrate Judge issued Findings and Recommendation that the petition for writ of habeas corpus be DISMISSED because Petitioner had not complied with the court's order requiring him to submit a completed application to proceed in forma pauperis or pay the \$5.00 filing fee for this action. These Findings and Recommendation were served on all parties and contained notice that any objections were to be filed within thirty days of the date of service of the order. On August 11, 2005, Petitioner filed a notice regarding his filing fee. On September 12, 2005, Petitioner filed objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the Findings and Recommendation is supported by the record and proper analysis. The court notes that after the entry of the Findings and Recommendations Petitioner provided the court with a copy of a receipt from Taft Correctional Institution authorizing a \$5.00 withdrawal payable to the United States District Court in Fresno. However, this court never received a filing fee from Petitioner. Because Petitioner appears to be willing to pay the filing fee and in the interests of justice, the court will give Petitioner one last opportunity to submit the \$5.00 filing fee. If Petitioner does not pay the filing fee, the court will adopt the Magistrate Judge's Findings and Recommendations and dismiss this action.

Accordingly, Petitioner is HEREBY ORDERED to submit the \$5.00 filing fee for this action or submit a completed application to proceed in forma pauperis, including a certified copy of his prison trust account statement for the six month period immediately preceding the filing of this petition, within thirty days of this order's date of service.

IT IS SO ORDERED.

Dated: September 14, 2005
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE